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PATENT  
Customer No. 22,852  
Attorney Docket No. 06882.0095-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Gary T. Neel et al. ) Group Art Unit: 3626  
Application No.: 10/764,974 ) Examiner: To Be Assigned  
Filed: January 26, 2004 )  
For: Medical Diagnostic Testing Device )  
with Voice Message Capability )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

In light of the waiver of 37 C.F.R. § 1.98(a)(2)(i) provided in 1273 OG 55 for patent applications filed after June 30, 2003, copies of the U.S. patent documents listed on the PTO 1449 are not required and therefore are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

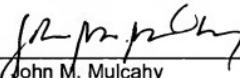
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 20, 2004

By:

  
John M. Mulcahy  
Reg. No. 55,940

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	06882.0095-00000	Appln. No.	10/764,974
Applicant	Gary T. Neel et al.		
Filing Date	January 26, 2004	Group:	3626

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
/T.W./	6,203,495 B1	03-20-01	Bardy			
	6,261,230 B1	07-17-01	Bardy			
	6,331,160 B1	12-18-01	Bardy			
↓	6,478,737 B2	11-12-02	Bardy			

## U.S. PATENT APPLICATION DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
/T.W./	2002/0027164 A1	03-7-02	Mault et al.			

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


Examiner	/Teresa Woods/	Date Considered	02/01/2010
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce
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